

June 30, 2006

**VIA ECFS**

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554  
ATTN: Video Services Division

Note: Exempt From Filing Fees

Re: **Waiver of July 1, 2006 DTV Maximization/Replication Deadline**  
Noncommercial Educational Station WHRO-DT, Hampton-Norfolk, VA  
Facility ID: 25932 / FRN: 0002062511  
**MB Docket No. 03-15**

Dear Ms. Dortch:

On behalf of Hampton Roads Educational Telecommunications Association, Inc. ("HRETA"), licensee of noncommercial educational station WHRO-DT, Hampton-Norfolk, Virginia, we submit the following in consideration of the FCC's July 1, 2006 "use it or lose it" maximization/replication deadline for digital television, to document an authorized change in WHRO-DT's operating facilities. Accordingly, to the extent necessary, HRETA requests a waiver of the maximization/replication requirements.

HRETA's FCC Form 381 "Pre-Election Certification" filing for WHRO-DT (FCC File No. BCERET- 20041022AEE) stated its intention to operate "maximized" post-transition DTV facilities for WHRO-DT pursuant to the granted (950 kW) construction permit in File No. BMPEDT - 20000428ADG. WHRO-DT received a construction permit on its DTV channel 16 for maximized facilities at 950kW, built those facilities, and filed a license application to cover. However, in 2004, WBOC, Inc. ("WBOC") objected to the WHRO-DT license application, claiming that WHRO-DT was causing ducting interference to reception of WBOC-TV's analog Channel 16 in Salisbury, Maryland. The parties entered into a settlement agreement under which, among other things, WHRO-DT agreed to operate with reduced power of 237.5 kW through the end of the transition. WBOC and HRETA asked the FCC to issue the license to WHRO-DT for the full authorized power, but with an operating condition reflecting the reduced power operation through the end of the transition. The FCC issued the license with this special condition on June 12, 2006, a copy of which we have attached for the FCC's reference.

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In light of the foregoing, HRETA submits that the Commission has already considered and approved the operation of WHRO-DT at 237.5kW until the end of transition, based on the FCC's recent license grant to WHRO-DT for the full authorized power of 950kW and its inclusion of the special temporary condition to operate at lower power until the end of transition to digital television. Accordingly, HRETA believes that the Commission has already granted a de facto waiver of the July 1, 2006 deadline. Should a formal waiver be required, HRETA hereby requests formal waiver of the July 1, 2006 deadline for the reasons articulated above. HRETA should be deemed by virtue of its construction of its full authorized facilities, and its operation of WHRO-DT pursuant to the license granted by the FCC, to have fully complied with the July 1 deadline. The FCC should protect the maximized facilities of WHRO-DT, as HRETA will return to the 950 kW operation following transition, when the special operating condition on its license expires.

HRETA is a noncommercial educational broadcaster and operates station WHRO-TV/DT on a noncommercial educational basis. HRETA is therefore exempt from filing fees pursuant to Section 1.1114 of the FCC's Rules, and exempt from regulatory fees pursuant to Section 1.1162 of the FCC's Rules. The applicant certifies that no party to this filing is subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

Should any questions arise concerning this waiver request, kindly contact this office.

Very truly yours,



Todd D. Gray

Kelly Donohue

Counsel for Hampton Roads Educational  
Telecommunications Association, Inc.

cc: Shaun Maher (at [Shaun.Maher@fcc.gov](mailto:Shaun.Maher@fcc.gov))

**United States of America**  
**FEDERAL COMMUNICATIONS COMMISSION**  
**DIGITAL/TELEVISION BROADCAST STATION LICENSE**

Authorizing Official:

Official Mailing Address:

HAMPTON ROADS EDUCATIONAL TELECOMMUNICATIONS  
5200 HAMPTON BOULEVARD  
NORFOLK VA 23508

Clay C. Pendarvis  
Associate Chief  
Video Division  
Mass Bureau

Facility Id: 25932

Grant Date: June 12, 2006

This license expires 3:00 a.m.  
local time, October 01, 2012.

Analog Call Sign: WHRO-TV

Digital Call Sign: WHRO-DT

Analog License File Number: BLET-19980608KE

Digital License File Number: BLEDT-20020604AAB

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

ANALOG TELEVISION ENGINEERING DATA

Callsign: WHRO-DT

License No.: BLEDT-20020604AAB

Name of Licensee: HAMPTON ROADS EDUCATIONAL TELECOMMUNICATIONS ASSOC.,  
INC.

Station Location: VA-HAMPTON-NORFOLK

Frequency (MHz): 476 - 482

Carrier Frequency (MHz): 477.25 Visual      481.75 Aural  
Channel: 15

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670  
of the Commission's Rules.

Antenna type: (directional or non-directional): Directional

Description: HAR, TWS-30C WAVESTAR

Beam Tilt: 0.6 Degrees Electrical

Major lobe directions      0  
(degrees true):

Antenna Coordinates: North Latitude:      36 deg 48 min 32 sec

West Longitude:      76 deg 30 min 12 sec

Transmitter output power: 60.3 kW  
17.8 DBK

Maximum effective radiated power (Peak):      2880 kW  
34.6 DBK

Height of radiation center above ground:      294 Meters

Height of radiation center above mean sea level: 301 Meters

Height of radiation center above average terrain: 294 Meters

Antenna structure registration number: 1027474

Overall height of antenna structure above ground (including obstruction  
lighting if any) see the registration for this antenna structure.

#### DIGITAL TELEVISION DATA

Name of Licensee: HAMPTON ROADS EDUCATIONAL TELECOMMUNICATIONS ASSOC.,  
INC.

Station Location: VA-HAMPTON-NORFOLK

Frequency (MHz): 482 - 488

Channel: 16

Hours of Operation: Unlimited

License No.: BLEDT-20020604AAB

Beam Tilt: 0.75 Degrees Electrical

West Longitude: 76 deg 30 min 13 sec

\*\*\* END OF AUTHORIZATION \*\*\*